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CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 236

Introduced by Assembly Members Lieu, DeSaulnier, and Huffman
(Principal coauthor: Senator Florez)
(Coauthors: Assembly Members Krekorian, Mendoza, Portantino,
and Ruskin)
(Coauthor: Senator Wiggins)

January 31, 2007

An act to amend Sections 25722.5, 25725, and 25726 of, and to add Sections 25722.6 and 25722.8 to, the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 236, as amended, Lieu. Public resources: state and local motor vehicle fleets.

(1) Existing law requires the Department of General Services, in consultation with the State Energy Resources Conservation and Development Commission (Energy Commission) and the State Air

Resources Board (board), to develop and adopt specifications and standards for all passenger cars and light-duty trucks that are purchased or leased on behalf of, or by, state offices, agencies, and departments. These specifications and standards are required to include specified elements. The Director of General Services is required to compile and maintain specified information on the nature of vehicles that are owned or leased by the state.

This bill would require the Department of General Services, in conjunction with the board and the Energy Commission, by December 31, 2008, to amend and revise existing purchasing methodology to rank environmental and energy benefits, and costs of motor vehicles for potential procurement by state and local governments and to develop vehicle ranking containing specified criteria. By July 1, 2009, available vehicles in individual classes would be ranked based on the purchasing methodology revised by the Energy Commission. The Department of General Services would be required to procure, for use in the state fleet, vehicles that meet federal requirements and have been ranked best in their class as determined by the revised purchasing methodology, except as specified. The Department of General Services would be required to take specified actions regarding vehicle procurement and alternative fuel and related infrastructure. By July 1, 2009, a vehicle capable of using alternative fuels would be required to be operated on those fuels *unless it is impossible to do so alternative fuels are not readily available or other factors exist that may prevent the use of those fuels.* ~~The~~

~~The~~ Director of General Services would be required to compile and maintain the number of alternative fuel vehicles in the vehicle fleet that use the respective alternative fuel in those vehicles and the number that use petroleum and to report to the Legislature and the Governor, beginning on ~~January~~ July 1, 2009, and every 3 years thereafter, the information on the nature of vehicles that are owned or leased by the state, ~~the locations where alternatively fueled vehicles are purchased or leased during the year, the locations of the alternative fuel pumps available for those vehicles, and the total annual consumption of fuel.~~ On December 31, 2009, and annually thereafter, the Director of General Services would, additionally, be required to report to the Legislature and the Governor on ~~the total alternative fuel capacity of the tanks of all the alternative fueled vehicles in the state fleet and the total annual vehicle miles traveled by state vehicles.~~ ~~The~~

~~The~~ Secretary of State and Consumer Services, in consultation with the Department of General Services and other appropriate agencies,

would be required, on or before ~~December 31, 2008~~ *July 1, 2009*, to develop and implement, and submit to the Legislature and the Governor, a plan to reduce or displace the state fleet's consumption of petroleum products. Beginning on April 1, ~~2009~~ *2010*, and annually thereafter, the Department of General Services would be required to provide the Department of Finance and the appropriate committees of the Legislature with a progress report on meeting the goals in that plan.

(2) Existing law authorizes a city, county, city and county, and special district, including a school district and a community college district, when awarding a vehicle procurement contract, to evaluate and score fuel economy, in addition to other life-cycle factors, in choosing passenger cars or light-duty trucks, or both, with the lowest life-cycle cost; and to require that 75% of the passenger cars or light-duty trucks, or both, to be acquired be energy-efficient vehicles.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25722.5 of the Public Resources Code
2 is amended to read:
3 25722.5. (a) In order to achieve the policy objectives set forth
4 in Sections 25000.5 and 25722, the Department of General
5 Services, in consultation with the commission and the State Air
6 Resources Board, shall develop and adopt specifications and
7 standards for all passenger cars and light-duty trucks that are
8 purchased or leased on behalf of, or by, state offices, agencies,
9 and departments. An authorized emergency vehicle, as defined in
10 Section 165 of the Vehicle Code, that is equipped with emergency
11 lamps or lights described in Section 25252 of the Vehicle Code is
12 exempt from the requirements of this section. The specifications
13 and standards shall include the following:
14 (1) Minimum air pollution emission specifications that meet or
15 exceed California's Ultra-Low Emission Vehicle II (ULEV II)
16 standards for exhaust emissions (13 Cal. Code Regs. 1961). These
17 specifications shall apply on January 1, 2006, for passenger cars
18 and on January 1, 2010, for light-duty trucks.

(2) Notwithstanding any other provision of law, the utilization of procurement policies that enable the Department of General Services to do all of the following:

(A) Evaluate and score emissions, fuel costs, and fuel economy in addition to capital cost to enable the Department of General Services to choose the vehicle with the lowest life-cycle cost when awarding a state vehicle procurement contract.

(B) Maximize the purchase or lease of hybrid or “Best in Class” vehicles that are substantially more fuel efficient than the class average.

(C) Maximize the purchase or lease of available vehicles that meet or exceed California’s Super Ultra-Low Emission Vehicle (SULEV) passenger car standards for exhaust emissions.

(D) Maximize the purchase or lease of alternative fuel vehicles.

(3) In order to discourage the unnecessary purchase or leasing of a sport utility vehicle and a four-wheel drive truck, a requirement that each state office, agency, or department seeking to purchase or lease that vehicle, demonstrate to the satisfaction of the Director of General Services or to the entity that purchases or leases vehicles for that office, agency, or department, that the vehicle is required to perform an essential function of the office, agency, or department. If it is so demonstrated, priority consideration shall be given to the purchase or lease of an ~~alternatively fueled~~ *alternative fuel* or hybrid sports utility vehicle or four-wheel drive vehicle.

(b) The specifications and standards developed and adopted pursuant to subdivision (a) do not apply upon the development and implementation of the method, criteria, and procedure described in Section 25722.6.

(c) Each state office, agency, and department shall review its vehicle fleet and, upon finding that it is fiscally prudent, cost effective, or otherwise in the public interest to do so, shall dispose of nonessential sport utility vehicles and four-wheel drive trucks in its fleet and replace these vehicles with more fuel-efficient ~~front-wheel drive~~ passenger cars and trucks.

(d) To the maximum extent practicable, each state office, agency, and department that has bifuel natural gas, bifuel propane, and flex fuel vehicles in its vehicle fleet shall use the respective alternative fuel in those vehicles.

1 (e) The Director of General Services shall compile annually and
2 maintain information on the nature of vehicles that are owned or
3 leased by the state, including, but not limited to, all of the
4 following:

5 (1) The number of passenger-type motor vehicles purchased or
6 leased during the year, and the number owned or leased as of
7 December 31 of each year.

8 (2) The number of sport utility vehicles and four-wheel drive
9 trucks purchased or leased by the state during the year, and the
10 number owned or leased as of December 31 of each year.

11 (3) The number of alternatively fueled vehicles and hybrid
12 vehicles purchased or leased by the state during the year, and the
13 total number owned or leased as of December 31 of each year *and*
14 *their location*.

15 ~~(4) The locations where the alternatively fueled vehicles are~~
16 ~~purchased or leased by the state during the year, and the locations~~
17 of the alternative fuel pumps available for those vehicles.

18 (5) The justification provided for all sport utility vehicles and
19 four-wheel drive trucks purchased or leased by the state and the
20 specific office, department, or agency responsible for the purchase
21 or lease.

22 (6) The number of sport utility vehicles and four-wheel drive
23 trucks purchased or leased by the state during the year, and the
24 number owned or leased as of December 31 of each year that are
25 alternative fuel or hybrid vehicles.

26 (7) The number of light-duty trucks disposed of under
27 subdivision (c).

28 (8) The total dollars spent by the state on passenger-type vehicle
29 purchases and leases, categorized by sport utility vehicle and
30 nonsport utility vehicle, and within each of those categories, by
31 alternative fuel, hybrid and other.

32 (9) The total annual consumption of gasoline and diesel fuel
33 used by the state fleet.

34 (10) The total annual consumption of alternative fuels.

35 (11) On December 31, 2009, and annually thereafter, the
36 Director of General Services shall also compile ~~both of the~~
37 ~~following~~:

38 ~~(A) The total alternative fuel capacity of the tanks of all the~~
39 ~~alternative fueled vehicles in the state fleet that are capable of~~

1 using each of those alternative fuels, by fuel type, including bifuel
2 or flex-fueled vehicles.

3 ~~(B) The~~ *the* total annual vehicle miles traveled by vehicles in
4 the state fleet.

5 (f) Each state office, agency, and department shall cooperate
6 with the Department of General Services' data requests in order
7 that the department may compile and maintain the information
8 required in subdivision (e).

9 (g) As soon as practicable, but no later than 12 months after
10 receiving the data, the information compiled and maintained under
11 subdivision (e) and a list of those state offices, agencies, and
12 departments that are not in compliance with subdivision (f) shall
13 be made available to the public on the Department of General
14 Services' Internet Web site.

15 (h) Beginning ~~January~~ *July* 1, 2009, and every three years
16 thereafter, the Director of General Services shall report to the
17 Legislature and the Governor the information compiled and
18 maintained pursuant to subdivision (e).

19 (i) Pursuant to Article IX of the California Constitution, this
20 section shall not apply to the University of California except to
21 the extent that the Regents of the University of California, by
22 appropriate resolution, make this section applicable.

23 SEC. 2. Section 25722.6 is added to the Public Resources Code,
24 to read:

25 25722.6. (a) On or before December 31, 2008, the Department
26 of General Services, in conjunction with the State Air Resources
27 Board and the commission, shall amend the existing "Enhanced
28 Efficiency Costing Methodology for Passenger Cars and
29 Light-Duty Vehicles" to rank the environmental and energy
30 benefits, and costs of motor vehicles for potential procurement by
31 state and local governments. The vehicle rankings shall include
32 both of the following criteria:

33 (1) The reduction in greenhouse gas emissions, air pollutant
34 emissions, and petroleum use on a full fuel-cycle basis, to the
35 extent possible, based on existing data available to the State Air
36 Resources Board, the commission, or other reliable sources,
37 including the California Strategy to Reduce Petroleum Dependence
38 developed pursuant to subdivision (f) of Section 25720 and the
39 state plan to increase the use of alternative transportation fuels

1 developed pursuant to Section 43866 of the Health and Safety
2 Code.

3 (2) The life-cycle costs of the vehicle and fuel, including
4 maintenance.

5 (b) On or before December 31, 2008, the Department of General
6 Services shall revise its procedures for the procurement of state
7 and local government vehicles based upon the necessary
8 performance specifications of the vehicles to perform the required
9 work or tasks of the vehicles in the fleet. The Department of
10 General Services shall establish vehicle “classes” depending upon
11 the required work or tasks and the necessary performance
12 specifications.

13 (c) On or before July 1, 2009, for the purpose of state fleet
14 procurement, both of the following shall apply:

15 (1) Available vehicles in individual classes shall be ranked for
16 purchase or lease using the method and criteria developed in
17 subdivision (a).

18 (2) (A) Vehicles shall be procured for use in the state fleet that
19 meet all requirements established by the federal government,
20 including, but not limited to, the federal Energy Policy Act of
21 1992, Public Law 102-486, if applicable, and that have been ranked
22 best in their class as determined by the evaluation in subdivision
23 (a).

24 (B) If fueling infrastructure, for the fuel used to rank a vehicle
25 best in class, is not available, or planned to be available within
26 two years, the Department of General Services shall procure the
27 vehicle ranked next best in class for which fueling infrastructure
28 is or will be available.

29 (d) The Department of General Services shall evaluate vehicles
30 for potential addition to the state and local fleets, as described in
31 this section, on an annual basis, reflecting annual new vehicle
32 availability.

33 (e) A vehicle capable of using alternative fuels shall be operated
34 on those fuels ~~unless it is impossible to do so in the normal course~~
35 ~~of business, as defined by the Department of General Services. to~~
36 *the maximum extent practicable unless alternative fuels are not*
37 *readily available or other factors exist that may prevent the use*
38 *of those fuels in the area in which the vehicle is used.*

39 (f) The Department of General Services shall do both of the
40 following:

1 (1) During the normal course of coordination and contracting
2 with nearby fueling stations, provide information related to the
3 alternative fuel vehicles in the state fleet and request the stations
4 to provide a fuel supply to meet that demand.

5 (2) When replacing, retrofitting, or installing a fueling tank or
6 infrastructure at a facility that fuels state vehicles, the Department
7 of General Services shall consider requesting competitive bids for
8 alternative fuel infrastructure that would meet the needs of vehicles
9 used, or planned to be used, in that facility.

10 (g) Authorized emergency vehicles as defined in Section 165
11 of the Vehicle Code, that are equipped with emergency lamps or
12 lights described in Section 25252 of the Vehicle Code, are exempt
13 from the requirements of this section.

14 (h) Each state office, agency, or department seeking to purchase
15 or lease a sport utility vehicle or four-wheel drive vehicle shall
16 demonstrate to the satisfaction of the Director of General Services
17 or the entity that purchases or leases vehicles that the vehicle is
18 required to perform an essential function of the office, agency, or
19 department. If it is so demonstrated, priority consideration shall
20 be given to the purchase or lease of an alternative-fueled *fuel* or
21 hybrid sports utility vehicle or four-wheel drive vehicle.

22 (i) Pursuant to Article IX of the California Constitution, this
23 section shall not apply to the University of California except to
24 the extent that the Regents of the University of California, by
25 appropriate resolution, make this section applicable.

26 SEC. 3. Section 25722.8 is added to the Public Resources Code,
27 to read:

28 25722.8. (a) On or before ~~December 31, 2008~~ *July 1, 2009*,
29 the Secretary of State and Consumer Services, in consultation with
30 the Department of General Services and other appropriate state
31 agencies that maintain or purchase vehicles for the state fleet,
32 including the campuses of the California State University, shall
33 develop and implement, and submit to the Legislature and the
34 Governor, a plan to improve the overall state fleet's use of
35 alternative fuels, synthetic lubricants, and fuel-efficient vehicles
36 by reducing or displacing the consumption of petroleum products
37 by the state fleet when compared to the 2003 consumption level
38 based on the following schedule:

39 (1) By January 1, 2012, a 10-percent reduction or displacement.

40 (2) By January 1, 2020, a 20-percent reduction or displacement.

1 ~~(b) In addition to Provision 10 of Item 1760-001-0666 of Section~~
2 ~~2.00 of the Budget Act of 2007, beginning April 1, 2009, and~~

3 *(b) Beginning April 1, 2010, and annually thereafter, the*
4 Department of General Services shall provide to the Department
5 of Finance and the appropriate legislative committees of the
6 Legislature a progress report on meeting the goals specified in
7 subdivision (a). The Department of General Services shall also
8 make the progress report available on its Internet Web site.

9 SEC. 4. Section 25725 of the Public Resources Code is
10 amended to read:

11 25725. When awarding a vehicle procurement contract, every
12 city, county, city and county, and special district, including a school
13 district and a community college district may evaluate and score
14 fuel economy, in addition to other life-cycle factors, in choosing
15 passenger cars or light-duty trucks, or both, with the lowest
16 life-cycle costs.

17 SEC. 5. Section 25726 of the Public Resources Code is
18 amended to read:

19 25726. (a) When awarding a vehicle procurement contract,
20 every city, county, city and county, and special district, including
21 a school district and a community college district may require that
22 75 percent of the passenger cars or light-duty trucks, or both, to
23 be acquired be energy-efficient vehicles.

24 (b) “Energy-efficient vehicle” means either of the following:

25 (1) A vehicle that meets California’s Super Ultra-Low Emission
26 Vehicle (SULEV) standard for exhaust emissions and the federal
27 inherently low-emission vehicle (ILEV) evaporative emission
28 standard, as defined in Part 88 (commencing with Section
29 88.101-94) of Title 40 of the Code of Federal Regulations.

30 (2) A hybrid vehicle or an alternative fuel vehicle that meets
31 California’s advanced technology partial zero-emission vehicle
32 (AT PZEV) standard for criteria pollutant emissions.